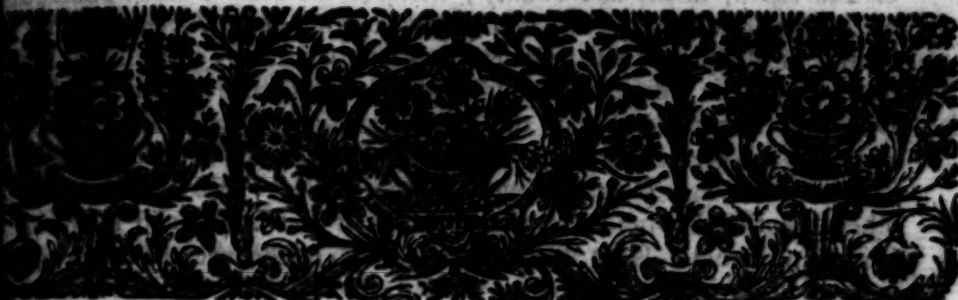


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A C T

*For Dividing and Inclosing the Common and  
Open Fields of Ansty, in the County of  
Leicester.*



**WHEREAS** there are several Common and Open Preamble.  
Fields in *Ansty*, in the county of *Leicester*, containing  
together about Eleven hundred Acres:

**And whereas** *Ansty* aforesaid, is Parcel of the  
Manor, and within the Peculiar of *Grooby*, belonging  
to the Right Honourable *Harry Earl of Stamford*:

**And whereas** the said *Harry Earl of Stamford*, is Impropiator of  
the great Tythes of Part of *Ansty* aforesaid, and the Fields thereof, and  
a Proprietor of Land, and has a Right of Common in the said Fields, and  
is also Patron of the Vicarage and Church of *Neotown Linford* in the said  
County; *Joseph Hooley*, Clerk, is Vicar of the said Vicarage and  
Church, and as such intitled to all the small Tythes and Vicarial  
Dues and Payments, of such Part of *Ansty* aforesaid; and the said  
Fields whereof the said *Harry Earl of Stamford* is Impropiator of  
the great Tythes: The Master, Fellows, and Scholars of *Emanuel*  
College,

A

College, in Cambridge, are Patrons of the Rectory and Parish Church of *Thurcaston*, in the said County; whereof the other Part or Residue of *Ansty* aforesaid, is, or is reputed a Member: *Richard Hurd*, Clerk, is Rector of the said Rectory and Church, and as such intitled to all the great and small Tythes, and Rectorial and Vicarial Dues and Payments of such the other Part or Residue of *Ansty* aforesaid, and the Fields thereof, and to Glebe Land in the said Fields; and *Thomas Martin*, *Daniel Glover*, *Thomas Iliffe*, *John Martin*, and others are the Proprietors of the Residue of the Land, and Right of Common therein. And whereas the Lands of the several Proprietors in the said Field, lie greatly intermixed and dispersed, and are in their present Situation in a great Measure incapable of Improvement; and if the said Fields were divided and inclosed, and specifick Shares thereof allotted to each Proprietor and Person interested, according to his and her Interest and Property therein, it would very much tend to improve their several Estates: But such Division and Inclosure cannot be effectually made and established without the Authority of Parliament.

*May it therefore please Your MAJESTY.*

That it may be Enacted, and be it Enacted, by the KING's Most EXCELLENT MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same; That *William Wyatt* of *Seany Park*, in the County of *Stafford* Gentleman, *Joshua Grundy* of *Thornton* in the County of *Leicester* Esquire, and *Thomas Grace* of *Shawell*, in the said County of *Leicester* Gentleman, and their Successors, to be elected in Manner herein after mentioned, shall be, and are hereby appointed Commissioners for the Setting out, Dividing, Allotting, and Inclosing the said Fields, and all the Lands within the same, and for putting this Act in Execution: And that the said *William Wyatt* or such Person or Persons as he and the rest of the said Commissioners, or any Two of them shall appoint, shall, as soon as conveniently may be, after the Passing of this Act, survey and measure the said Fields, and all the Land and Ground therein; and also all the ancient Inclosures in *Ansty* aforesaid, and reduce such Survey and Admeasurement into Writing, and therein express and ascertain the Number of Acres, Roods and Perches, belonging to each Proprietor in the said Fields and Inclosures respectively; which Survey and Admeasurement shall be laid before the said Commissioners, or any Two of them, at some or one of their Meetings, in Pursuance of this Act.

And it is hereby further Enacted, That the said Commissioners, or any Two of them, shall, and they are hereby authorized and required, after the said Survey shall have been laid before them, and before the Twenty-fifth day of December, One Thousand seven Hundred, and Sixty-one, or as soon thereafter as conveniently may be, to

Appointments

Appointment of a Surveyor, and Directions respecting the Survey.

Appointment of Commissioners.

set out and allot, unto, and for the said *Harry Earl of Stamford*, in Lieu and full Compensation of and for all his impropriate Great Tythes, (except of the said ancient Inclosures) such Parcel or Parcels of the Tythable Land within such Part of the said Fields, whereof he is Impropriator of the Great Tythes, as (Quantity and Quality considered) shall contain in the Whole, one full seventh Part thereof, and no more; which Parcel or Parcels of Land shall be, and is, and are hereby vested in him, in Lieu of his said Great Tythes (except as before excepted) and in full Discharge thereof; and shall be subject to the same Sort of Taxes, Charges, Levies, Assessments and Payments, as his said Great Tythes now are, and, in case this Act had not been passed, would have been subject to, and no other; and to set out, and allot unto and for the said Earl, in Lieu and Compensation of and for all the Small Tythes, *Easter Offerings*, and other Vicarial Dues and Payments of the said last mentioned Part of *Ansty* aforesaid, and the Fields thereof, as well inclosed as uninclosed, (except Mortuaries, if any, and Surplice Fees) such Parcel of the Residue of all the Fields of *Ansty* aforesaid, (exclusive of the Proportion herein after directed to be set out, to and for the said Rector, in respect of his said Tythes) as (Quantity and Quality considered) shall, when inclosed, be of the yearly value of Eight and Forty Shillings clear of Land-Tax, Parish Levies, and all other Payments whatsoever: And to set out, and allot unto and for the said *Richard Hurd*, and his Successors, Rectors of the said Rectory, in Lieu and full Compensation of and for the Great and Small Tythes of such Part of *Ansty* aforesaid, and the said Fields, whereof he is intitled to the Great and small Tythes (except of the said ancient Inclosures): And also in Lieu of all other Rectorial and Vicarial Dues and Payments in *Ansty* aforesaid, belonging to the said Rectory; (except Surplice Fees and Mortuaries, and certain Moduses payable to the said Rector for the Mill, the *Mill-Holme*, and *Earl's-Meadow* respectively, all in *Ansty* aforesaid, or the Lordship or Liberty thereof,) such Parcel or Parcels of the said last mentioned Part of the said Fields, as (Quantity and Quality considered) shall contain, in the Whole, one full Seventh Part thereof, and no more; which Parcel or Parcels of Land to be set out, and allotted to and for the said Rector, and his Successors, as aforesaid, shall be, and is, and are hereby vested in him, and them, in Lieu and full Compensation of and for his said Great and Small Tythes (except as before excepted): And also of all other his Rectorial and Vicarial Dues and Payments, (except also as before excepted) and in full Discharge thereof; and shall be subject to the same Sort of Taxes, Charges, Levies Assessments, and Payments, as his said Great and Small Tythes, and Rectorial and Vicarial Dues and Payments now are, and, in case this Act had not passed, would have been subject to, and no other; and to set out, and allot unto and for such Person or Persons respectively; as, at the Time of such Allotment or Allotments, shall be seized or intitled to any Land, Common Right, or other Property in the said Fields, in Right of, or in Trust for, any Church, Hospital, School, or other public Use, (other than, and except

to the Earl of  
*Stamford*, as  
Impropriator  
in *Ansty* afore-  
said, of the  
Great Tythes  
of Part of the  
Fields to be  
inclosed,

in Lieu of the  
Small Tythes  
&c. of Part of  
the Lands,

to the Rector  
of *Thurcaston*,  
in Lieu of his  
Great and  
Small Tythes  
of the Residue  
of the Fields.

Exception.

Allotments to  
Persons seized  
in trust for  
any Hospital,  
&c.

cept



except the said Vicar and Rector respectively), such Parcel or Parcels of the said Fields, as shall, in the Judgment of the said Commissioners, or any Two of them, be such respective Person or Persons, Proportion or Proportions thereof, after a Deduction of so much as shall, in the Judgment of the said Commissioners, or any Two of them, be equal in Value to his, her, or their respective Proportion of the Expence of the outside Mounding or Fencing such Allotment or Allotments respectively; and of the Charges and Expences incident to the Obtaining, Passing, and Executing this Act, and such other Expences as are herein after directed to be paid and borne for him, her, or them, respectively, by the rest of the Proprietors of Land in the said

Fields; and to set out, divide, and allot all the then Residue of the Land in the said Fields, unto, between, and amongst the several Persons, who, at the Time of making such Division and Allotment, shall be intitled to Land, Right of Common, or other Property in the said Fields (except the said *Harry Earl of Stamford*, and the Rector of the said Rectory respectively, as to such Part of their respective Shares, Rights, and Interests in the said Fields, for which Allotments shall be made, in manner herein before directed: And except the Vicar of *Newton-Linsford* aforesaid, in respect to his said Small Tythes, and other Vicarial Dues and Payments) in proportion to their several and respective Shares and Interests therein, subject nevertheless to the

Rules, Orders and Directions herein after contained, and under a due Regard to the Quantity and Quality of the Land to be allotted in Lieu thereof, and to the Convenience of every one of the said Proprietors, as far as shall or may be consistent with the general convenient Partition and Division of all the Land intended to be inclosed. And that, in case any Difference or Differences shall arise between any of the

Parties interested in the said intended Inclosure, touching their respective Shares and Proportions, in, or in respect of the Land to be inclosed, it shall and may be lawful to and for the said Commissioners, or any Two of them, to hear and examine Witnesses upon Oath, touching such Difference or Differences, (which Oath they are hereby empowered to administer), and finally to determine the same.

**Provided always, and it is hereby Enacted That** all the *Lammas Closes* in *Assly* aforesaid, and the Fields thereof shall be allotted unto the Owners of such Closes respectively, at the Time of the making such Allotments, as herein above directed to be made, unless it shall be more convenient that the same be allotted to any other Proprietor of Land in the said Fields; and the Owner or Owners of such Closes respectively, shall, before the making of such Allotments, by Writing, under, his, her, or their Hands, signify to the said Commissioners, or any Two of them, his, her, or their Consent to their being allotted to such other Proprietor or Proprietors, or, unless the Owner or Owners of such Closes respectively, shall not have so much other Land, Common Right, or other Property in the said Fields, as shall be sufficient to make up his, her, or their Proportion or Proportions



tions of the Land to be allotted to the said Earl, and the said Rector respectively; and of the Land to be set out, as herein after directed, for Roads or Ways over the said Fields. And that, if any Two or more of the Proprietors of Land, or Right of Common in the said Fields, who shall not, upon the Division and Allotment herein before directed to be made, be each of them entitled to above Two Acres of Land in the said Fields, and such Two or more Proprietors, shall, before the making thereof in Writing, request the said Commissioners, or any Two of them, to have their Allotments laid in one Plot, the said Commissioners, or any Two of them, shall, and they are hereby required to allot and lay out the same accordingly.

Small Proprietors to have Allotments laid together.

And it is hereby further Enacted, That the yearly Sum of Two Shillings an Acre for ever, clear of all Deductions whatsoever (except a proportionable Part of the Land-Tax), and so in Proportion for every greater or less Quantity than an Acre, of all the ancient Inclosures in *Ansly* aforesaid, and the Fields thereof, in Lieu and full Compensation of and for all the Great and small Tythes, and other Dues and Payments arising therefrom, shall be issuing and going out of such Inclosures, in the Proportion aforesaid; and for such of them, whereof the said Earl is intitled to the Great Tythes, shall be payable and paid by the several Owners or Occupiers of such Inclosures respectively, to the said Earl, and the Owners for the Time being, of the Allotment herein before directed to be made to and for him, in Lieu of his said Tythes in the said Fields, and for such of the said ancient Inclosures, whereof the said Rector is intitled to the Great and Small Tythes, shall be payable and paid by the respective Owners or Occupiers of such Inclosures, respectively, to the Rector of *Thurcaston* aforesaid, for the Time being; and which said yearly Sum shall be, and is hereby vested in the said Earl, and the said Rector respectively, in Lieu and in full Discharge of the Great and Small Tythes of the said Inclosures respectively. And that the yearly Sum of Forty-eight Shillings for ever, (clear of Land-Tax, Levies, and all other Deductions whatsoever) shall be issuing and going out of all the Land that shall be allotted to the said *Harry Earl of Stamford* as aforesaid, and shall be payable and paid by the Owner or Proprietor of such Allotment for the Time being, to the said *Joseph Hooley*, and his Successors, Vicars of the said Vicarage of *Newton-Linford*, for the Time being, for ever; and shall be, and is hereby vested in him and them, in Lieu and full Compensation of, and for all the small Tythes, *Easter Offerings*, and other Vicarial Dues and Payments of and in *Ansly* aforesaid, belonging to him as Vicar of the said Vicarage of *Newton-Linford* (except as before excepted), and in full Discharge of the same.

Appointment of a yearly Sum, in Lieu of Tythes of the ancient Inclosures.

Appointment of a yearly Sum to the Vicar of *Newton-Linford*, out of Lord *Stamford's* Allotment.

And it is hereby further Provided and Enacted, That the said several and respective yearly Sums to the said Earl of *Stamford*, the said Rector, and the said Vicar, respectively, for the Time being, shall be

Days of Pay-  
ment of the  
said yearly  
Sums, and  
Method of  
Recovery  
thereof as oft  
as in Arrear.

be to them respectively payable, and paid in the Porch of the Church of *Amsy* aforesaid, by Four equal quarterly Payments, in every Year, (that is to say) upon the 24th Day of *June*, the 29th Day of *September*, the 26th Day of *December*, and the 25th Day of *March*, the first Payment thereof to begin and be made on the 24th Day of *June*, 1762; and that, in case the said several yearly Sums, or any of them, or any Part or Proportion thereof respectively, shall be behind, or unpaid by the Space of Thirty Days next after any of the said Days whereon the same respectively ought to be paid as aforesaid; then, and so often, and from Time to Time, it shall, and may be lawful, to, and for the Person and Persons, in, and to whom the said several yearly Sums are in and by this Act vested and limited respectively, to enter into and make Distress of any Goods, Cattle, or Chattels, being upon the Part or Parts, Share or Shares of the Land and Hereditaments that shall, in pursuance of this Act, be charged with, or out of, or in respect of which shall be payable, that Dividend, Share, or Proportion of the said yearly Sums respectively, which shall be so behind, or unpaid, respectively, and the Distress and Distresses from Time to Time taken to lead, drive, and carry away, and otherwise dispose of for the Recovery of such Dividend, Share, or Proportion of such yearly Sums respectively in Arrear; and all Costs and Expences, from Time to Time attending such Distress and Distresses, in the same Manner as any Landlord or Landlords may, by due Course of Law, for the Recovery of Rent in Arrear. And also, That if it shall happen, that the said several yearly Sums, or any of them, or any Part or Proportion thereof, respectively, shall be behind, or unpaid by the Space of Sixty Days next after any of the said Days hereby limited and appointed for Payment thereof respectively, and no sufficient Distress be upon the Premises chargeable therewith; then, and so often, and from Time to Time, it shall and may be lawful, to and for the Person and Persons, in, and to whom the said several yearly Sums are hereby vested and limited respectively, into, and upon such specifick Part and Parts of the Land that shall, in Pursuance of this Act, be charged with that Dividend, Share, or Proportion of the said yearly Sums, which shall be so behind, or unpaid, respectively, or into, and upon any Part thereof, in the Name of the Whole of such specifick Part or Parts, to enter, and take, and receive the Rents of such specifick Part and Parts of the said Premises respectively, to his and their own Use and Uses respectively, until thereby, or therewith, or otherwise, all Arrears of such of the said yearly Sums respectively, as shall be so behind and unpaid, and all Costs, Charges, and Damages sustained, or incurred by Reason of Non-payment thereof, shall be fully paid, satisfied, and discharged.

Commission-  
ers to set out  
Roads.

And it is hereby further Declared and Enacted, That the said Commissioners, or any Two of them, shall and may ascertain, set out, and appoint two public Horse, Cart, Carriage, and Drift Roads over



over the said Fields, of such respective Breadths as they shall think proper; the one to and from a Close in the Lordship of *Broadgate*, adjoining upon the said Fields, called the *Dumple*, to and from a certain Close in the Liberty of *Beaumont Leys*, in the said County, adjoining also upon the said Fields, called *Dambridge Close*, over a certain Bridge in the said Fields, called *Dambridge*; and the other to and from a certain Gate in the said Liberty of *Broadgate*, adjoining also upon the said Fields, called *Grooby Gate*, to and from the Easternmost Corner of a certain Wood of the said Earl's, adjoining likewise upon the said Fields, called *Sheet Hedges Wood*; and shall and may also ascertain and set out such other public and private Ways or Roads, over and through the said Fields so intended to be inclosed, as they, or any Two of them shall think proper, so as all such last-mentioned public Roads shall remain Forty-five Feet broad at the least between the Ditches: All which said public Roads or Ways, to be set out as before directed, except Bridle Roads and Foot Ways, in case such shall be set out by the said Commissioners, or any Two of them, shall be for ever amended and repaired at the general Expence of the Inhabitants of *Asby* aforesaid, in the same Manner as the present public Roads there are, or ought to be repaired; and that all such Bridle Roads, Foot Ways, and Private Ways as aforesaid, shall be for ever amended and repaired at the Expence of all, or such of the said Proprietors, in such Manner as the said Commissioners, or any Two of them shall in that Behalf order, direct, and appoint; and that it shall not be lawful for any Person or Persons afterwards, to use or claim the Use of any Roads or Ways, either old or new, public or private, over, within, or through the said Fields intended to be inclosed, or any Part or Parts thereof, either on Foot, or with Horses, Cattle, or Carriages, other than such Roads and Ways as shall be so ascertained, set out, and appointed by the said Commissioners, or any Two of them as aforesaid; and that all former Roads and Ways, or so much thereof as shall not be set out and appointed as the Roads and Ways through the said Intended Inclosure, shall be deemed Part of the Land to be inclosed, and shall be divided and allotted accordingly.

And it is hereby further Enacted, That all the Land so to be Directions allotted and set out as aforesaid, to and for the said Earl, in Lieu of concerning the Fences, his Great Tythes, and of the Small Tythes, *Easter Offerings*, and other Vicarial Dues and Payments to the Vicar of *Newtown-Linford* aforesaid, and to and for the said *Richard Hurd*, and his Successors, as aforesaid, Rectors of the said Rectory, in Lieu of his said Great and Small Tythes, and *Easter Offerings*, and other Dues as aforesaid, and for his Glebe Lands in the said Fields, and also the Land to be set out and allotted to or for any Person or Persons, who at the Time of making such Allotments as aforesaid, shall be seised of, or intitled to any Land or Common Right in the said Fields, in Right of, or in Trust for any Church, Hospital, School, or other public Use, shall, within

within the Space of Six Months after the Execution of the Award or Instrument, herein-after directed to be made by and at the Expence of the Proprietors of the Land, and Right of Common in the said Fields, be mounded round by Gates and Ditches, and Quickset Hedges, and guarded or fenced by and with Posts and Rails, as the said Commissioners, or any Two of them, shall in Manner aforesaid direct or appoint; all which Mounds and Fences of the said respective Allotments shall be ever afterwards kept in Repair by and at the Expence of the respective Owners or Occupiers of such Allotments respectively, for the Time being, on such Sides or Parts thereof as the said Commissioners, or any Two of them, shall, by any Writing under their Hands and Seals, direct and appoint: And that all the Gates, Hedges, Ditches, and Fences, to be made for the inclosing, separating, and dividing the Residue of the Land to be set out, allotted, and divided, pursuant to this Act, shall, within the like Space of Time be made, and at all Times thereafter for ever repaired and maintained by and at the Expence of such Person or Persons, and in such Manner as the said Commissioners, or any Two of them, shall, by any such Writing or Writings, order or direct: And that the respective Owners or Occupiers for the Time being of the respective Allotments of Land in the said Fields, shall, at his, her, or their own Costs and Charges, set up, and for ever after keep in Repair, a Bridle or Carriage Gate in every Fence which he, she, or they shall at any Time hereafter make or set up, or cause to be made or set up, as a Division or Subdivision Fence, for or in such respective Allotments, so as that there may be a Communication between every Close to be made in the Fields of *Assy* aforesaid, which Gates shall not be locked, or otherwise fastened, so as to prevent the said *Harry Earl of Stamford*, or any future Lord or Lords of the said Manor, or his or their Friends, Servants, or Attendants, from passing and repassing through the same in Hunting, Fishing, or Shooting, within the said Manor, or other Enjoyment of his said Manor with respect to Game: And that in case there shall not be a Gate in any such Division, or Subdivision Fence, or of such Gate or Gates being locked, or otherwise fastened, contrary to the Intent of this Act, then, and so often it shall and may be lawful to and for the said Earl, and the Lords of the said Manor for the Time being, and his and their Friends, Servants, and Attendants, or any of them, to open a convenient Passage through such Fence or Fences, for the Purposes aforesaid, or any of them, either by breaking down such Gate or Gates, or any Part or Parts of such Fence or Fences respectively, or otherwise, as to the said Earl, and the Lords of the said Manor for the Time being, and his and their Friends, Servants, and Attendants, or any of them, shall seem meet, any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Proprietors,  
&c. to make  
Bridle, or o  
ther Gates.

Provided



**Provided always, and it is hereby Enacted,** That all and every the Gates, Hedges, Ditches, and Fences, which, in pursuance of this Act, shall be directed to be made, for inclosing the Land which shall be allotted in Lieu of the Land and Common Right hereby intended to be inclosed, now holden for one or more Life or Lives, or for Years, determinable upon one or more Life or Lives, by or under any Lease or Leases, of or from the said Earl, shall be made, and afterwards maintained for the Term of Seven Years, at the Costs and Charges of the Person, or Persons, who, for the Time being, shall be intitled to the Reversion of such Leasehold Premises, immediately expectant on the Determination of the same Leases respectively; and that, after the Expiration of the said Term of Seven Years, the said last-mentioned Gates, Hedges, Ditches, and Fences, shall be maintained and supported by and at the Expence of the several and respective Lessees of the Land, so to be inclosed, during the Continuance of their respective Estates, Terms, and Interests therein, by virtue of any such Lease, or Leases, as aforesaid: And that, from and after the Twenty-fifth Day of *March*, One thousand Seven hundred and Sixty-two, the said several and respective Lessees of the Land so directed to be fenced and inclosed by the Persons intitled to the Reversion thereof, as aforesaid, shall and do, during the Continuance of their respective Estates, Terms, and Interests therein, by virtue of any such Lease, or Leases, as aforesaid, pay to the Person, or Persons, intitled to the Reversion of the same Premises, for the Time being, such yearly Sum and Sums of Money, in Consideration of, and as a Satisfaction for the Costs and Charges such Reversioner, or Reversioners, shall be put to, in making and maintaining such Fences, as aforesaid, and in obtaining this present Act, as the said Commissioners, or any Two of them shall, by their said Award, direct; which said Sum and Sums of Money so to be paid by such Lessees respectively as aforesaid, shall be paid as an Increase of Rent, at such Days, and in such Manner and Proportions, and shall be recoverable by such and the same Remedies, as the several Rents, now reserved on the said respective Leases, are made payable, and are now recoverable by Law.

Provision touching the Fences, &c. of Lands held in Lease from Lord Stamford.

**And it is hereby further Enacted,** That for the better preserving the young Hedges to be set for dividing the Allotments to be made, in pursuance of this Act, it shall and may be lawful to and for the respective Persons, to whom any Share or Allotment shall be assigned or allotted, from Time to Time, and at all Times, during the Term of Seven Years, next after such Award or Instrument, to set down and place Posts and Rails, or any other Fence, on the Outside the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, and at any Time before the End of the said Term, to remove, take, and carry away such Posts and Rails, or other Fences, and convert the same to their respective Use; and that convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Space of Twelve Calendar Months, next after the Execution

For the Preservation of the young Hedges;

and for Passage of Cattle, &c.

Proprietors to  
have Liberty  
to fell Trees,  
&c.

Boundary  
Fences to be  
left.

Commis-  
sioners to make  
an Award.

tion of the said Award, or Instrument, for the Passage of Cattle, Carts, and Carriages, in and through the same; unless the several Parties interested therein shall agree, that the same shall be sooner made up. And that, in case any Land, upon which any Trees, Underwoods, Hedges, Bushes, or Shrubs, at the Time of such Allotment, shall be standing, growing, or being, shall be allotted or assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at and immediately before the making such Allotment, it shall and may be lawful to and for such Owners and Proprietors thereof, respectively, at any seasonable Time or Times within the Space of Nine Calendar Months after such Allotment shall be made, to enter into and upon the Land upon which such Trees, Underwoods, Hedges, Bushes, or Shrubs, shall be standing and being, and to fell and cut down, and with Horses, Carts, and Carriages, take and carry away the same, at his and their Wills and Pleasures, and to and for his and their respective Use and Benefit. **Provided always,** That if any such Hedges, now standing upon the Premises, shall be assigned, limited, or appointed by the said Commissioners, or any Two of them, as and for a Boundary or Fence for any of the Inclosures to be made as aforesaid, all such Hedges shall be left Stake high for the Benefit of the Person, or Persons, to whom such new Inclosures shall belong, by virtue of this Act, he, she, and they making such Allowance and Satisfaction to the former Owners or Proprietors of such Hedges respectively, immediately before such Allotments, at such Time or Times as the said Commissioners, or any Two of them, shall in that Behalf order and appoint:

**And it is hereby further Enacted,** That within the Space of Six Calendar Months after the Division and Allotments of the said Fields shall be completed and finished, the said Commissioners, or any Two of them, shall form and draw up an Award or Instrument thereof in Writing, which shall express and ascertain the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches contained in the said Fields, and the Quantity and Contents of each and every Part and Parcel thereof assigned and allotted to each of the Parties intitled to Land, Tythes, Common Right, or any other Property within the same, and a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out and making of the publick Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair the private Roads and Ways, Fences, Ditches, Drains, Brooks, Bridges, Gates, and Stiles, in, through, upon, and over the said intended Inclosures, and also all such Orders, Regulations, and Determinations, as are in or by this Act mentioned, directed, or required, to be made and established, and also all such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor



Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes, in relation to the Matters herein contained; which said Award or Instrument shall be fairly engrossed upon Parchment, and signed and sealed by the said Commissioners, or any Two of them, and shall, within Six Calendar Months, next after the same shall be so signed and sealed as aforesaid, be inrolled in one of his Majesty's Courts of Record at *Westminster*, or by the Clerk of the Peace for the said County of *Leicester*, and a Copy thereof, attested by the proper Officer where or with whom the same shall be inrolled, shall at all Times be admitted in all Courts whatsoever, as legal Evidence of the same.

And it is hereby further Enacted, That the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed unto and for the several Persons, who, by virtue of this Act shall be intitled to the same, shall be, and are hereby vested in them respectively, in full Bar of, and Satisfaction and Compensation for his, her, and their several Pieces and Parcels of Land, which he, she, or they had before the passing of this Act, or immediately before the said Allotments made, and which were and are lying dispersed in the said Fields intended to be inclosed; and also in full Bar, Satisfaction, and Compensation of and for all Right of Common, and other Right whatsoever, in, over, and upon the same; and that from and immediately after the making of the said Divisions and Allotments, and the Execution of the said Award or Instrument, of such Tenor and Purport as aforesaid, or so soon thereafter as the said Commissioners, or any Two of them, shall, by their said Award or Instrument, appoint, all Right of Common belonging to or claimed by all and every the said Owners, Proprietors, or Occupiers of Lands, Tenements, or other Hereditaments, in, over, and upon all the said Land intended to be inclosed as aforesaid, and every Part thereof, shall cease, determine, and be for ever extinguished, and that all and every Lease and Leases, at Rack, or extended Rent, subsisting of all, or any Part or Parts, of the said Fields hereby intended to be inclosed, and all other Agreements, at Rack, or extended Rent, for any Time or Term therein, shall immediately upon such Allotments and Divisions being made, and such Award or Instrument's being executed as aforesaid, or so soon thereafter as the said Commissioners, or any Two of them, shall, by the said Award or Instrument, appoint, cease, determine, and be void; the respective Owners and Proprietors of such Part or Parts of the said Fields, who have made any such Lease, or Leases, or Agreements, making such Satisfaction to such their respective Lessee or Lessees, Tenant or Tenants thereof respectively, as the said Commissioners, or any Two of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants respectively, on Account thereof, or as an Equivalent for same.

New allotted  
Lands vested  
in Proprietors,  
in lieu of their  
former Lands,  
&c.

Right of  
Common ex-  
tinguished

Leases at  
Rack Rent to  
be void;

Tenants re-  
ceiving a Sa-  
tisfaction.

And

Directions to  
accept Allot-  
ments.

**And it is hereby further Enacted,** That all and every Person and Persons interested in the said intended Inclosure, shall, and they are hereby required to accept his, her, and their respective Allotments: And that the Guardians, Husbands, Committees, or Trustees of any Person, or Persons, being Minors, under Coverture, Lunatics, beyond the Seas, or otherwise incapable by Law to accept such Allotments as aforesaid, shall be, and they are hereby enabled and required to accept thereof, for the Use of such Person, or Persons, so incapacitated as aforesaid,

In case Pro-  
prietors omit  
to inclose  
within the  
Time limited,  
Commis-  
sioners to do it  
for them, and  
be reimbursed  
their Expen-  
ces, and satis-  
fied for their  
Trouble.

**And it is hereby further Enacted,** That, in case any Person, or Persons, to whom, or to whose Use or Benefit, any Land shall, by virtue of this Act, be allotted or awarded, shall not, within such Time as is herein before limited, Inclose, Hedge, Ditch, and Fence the several Parcels of Land so to be allotted and set out to and for him, her, or them, respectively, as aforesaid, in such Manner as the said Commis-  
sioners, or any Two of them, shall in their said Award order and direct; then, and in every such Case, it shall and may be lawful, to and for the said Commissioners, or any Two of them, to enter into and upon, and to lett and set to any Person or Persons whatsoever, the Land as aforesaid, to be allotted to such Person or Persons that shall so refuse or neglect: And also to make and raise such Fences to the same Allotments respec-  
tively, as by the said Award shall be directed to be made, and so hold and enjoy the same Premises, until they shall, out of the Rents and Profits thereof, have raised and paid to themselves so much Money as shall be necessarily expended in and about such Inclosing the said Allotment or Allotments respectively, and a reasonable Allowance for their Trouble, and all Charges attending the same.

How the Costs  
of the Act,  
&c. to be de-  
frayed.

**And it is hereby further Enacted,** That the Charges and Ex-  
pences of passing this Act, and all Costs and Charges attending the same, and the Costs and Chages of Surveying, Admeasuring, Di-  
viding, and Allotting the Land so intended to be inclosed as aforesaid, and also of surveying the said ancient Inclosures, and of the preparing and inrolling the said Award or Instrument, and all other the Charges of the said Commissioners, and other necessary Expences about and concerning the Execution of this Act, shall be born and defrayed by all the Proprietors and Owners of Land in the said Fields so appointed to be inclosed, (other than, and except the said Earl, in respect of the Land to be allotted to him, in Lieu of his said great Tythes, and of the said Land, of the yearly Value of Eight and Forty Shillings; and the said Rector, in respect to the Land to be allotted, in Lieu of his said Tythes and Glebe, and such Lessees, as aforesaid, of the said Earl; and also such Person and Persons, who, at the Time of making the Allotments, in pursuance of this Act, shall be seized of, or intitled to any Land or Common Right in the said Fields, in Right of, or in Trust for any Church, Hospital, School, or other publick Use, in respect of such Land,) by an equal Pound Rate, ac-  
cording to the Value of the Land each Person shall have allotted to him,



him, her, or them, by virtue of this Act, to be settled, adjusted, and determined by the said Commissioners, or any Two of them; and that in case any of the Persons aforesaid, shall refuse or neglect to pay his, her, or their Share and Proportion, Shares and Proportions, of such Charges or Expences, within the Time to be limited by the said Commissioners, or any Two of them, to such Person or Persons as they, or any Two of them shall appoint to receive the same: Then the said Commissioners, or any Two of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus, if any, on Demand, to the Owner or Owners of such Goods and Chattles, after deducting the Costs and Charges of taking or making such Distress or Distresses, and Sale or Sales; or otherwise it shall and may be lawful, to and for the said Commissioners, or any Two of them, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take the Rents and Profits thereof, until thereby, or therewith, the Share or Shares, Proportion or Proportions, of the Costs and Charges to be directed, awarded, and appointed by the said Commissioners, or any Two of them, to be paid to such Person or Persons as aforesaid: And also all Costs, Charges, and Expences, occasioned by, or attending such entry upon, and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

And it is hereby further Enacted, That the Tillage Parts of such of the said Fields to be inclosed as aforesaid, as shall happen to be the Fallow Field the Year wherein such Divisions and Allotments shall be made as aforesaid, shall be plowed in an Husband-like Manner two several Times in that Year, between the Spring and the First Day of August, and that every Proprietor or Occupier, who shall neglect or refuse so to plow his or her Part of the said Field, in Manner as aforesaid, shall forfeit and pay to the new Proprietors respectively, by virtue of this Act, of such Parts respectively so not plowed as aforesaid, Five Shillings an Acre, for every Tilt or Plowing omitted, and so in Proportion for every greater or less Quantity than an Acre, to be recovered by Application to the General or Quarter Session of the Peace for the County of Leiceſter, in a summary Way, which Matter such Court of Session are hereby authorised and required to hear, and finally determine, and to cause the Money that shall appear to be due to any Person or Persons complaining on the Account aforesaid, to be levied by Distress and Sale, of the Offender or Offenders Goods and Chattels, by Warrant or Order of the same Court, with reasonable Costs: And also that if any of the said Proprietors shall not have as much Tillage Land allotted to him, her, or them, in that Field, by virtue of this Act, as he, she, or they, shall so plow therein as aforesaid, he, she, or they, shall have and receive respectively, from the Proprietors

Directions  
concerning  
plowing the  
Fallow Fields,

of the new Allotments respectively, such Allowance and Satisfaction for such their respectively ploughing as aforesaid, as the said Commissioners, or any Two of them, shall think reasonable and direct; and that such Allowance and Satisfaction shall be recovered as aforesaid, with Costs as aforesaid.

Commissioners to give Directions concerning the Course of Husbandry.

**And it is hereby further Enacted,** That from and after the Twenty-ninth Day of September, in the Year of our Lord, 1761, the said Commissioners, or any Two of them, shall order, direct, and appoint the Course of Husbandry which shall be used in the Tillage Parts of the said Common Fields, (except as to such ploughing as aforesaid, in that Field which shall be the Fallow Field the Year in which such Divisions and Allotments shall be made as aforesaid) 'till such Time as they shall have compleated their said Award; and that all and every Person's Estate in the said Open Fields, shall be liable and subject to such Directions as they shall appoint, as well with regard to the Stocking, as to the Ploughing, Tilling, Sowing, or laying down the same.

Power for Proprietors to exchange with Consent of Commissioners.

**And it is hereby further Enacted,** That it shall and may be lawful for any of the Proprietors of Lands, Tenements, or Hereditaments in *Any* aforesaid, (except the said *Richard Hurd*, as Rector of the said Rectory, to exchange all or any of such Lands, Tenements, or Hereditaments, or any other Lands, Tenements, or Hereditaments there, (either inclosed, or intended to be inclosed, by virtue of this Act) so as all such Exchange or Exchanges, as aforesaid, be made by and with the Consent and Approbation of the said Commissioners, or any Two of them, and be expressed and declared in such Award or Instrument, to be so made as aforesaid, and that all and every such Exchange and Exchanges, as aforesaid, that shall be made with such Consent and Approbation as aforesaid, testified as aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

Not to revoke any Will, &c.

**And it is hereby further Enacted,** That nothing in this Act shall be deemed, adjudged, or taken, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person, having or claiming any Jointure, Dower, Portion, Debt, Rent, Incumbrance, or other Demand, out of, upon, or affecting any of the Land intended to be inclosed as aforesaid, or any of the Lands, Tenements, or Hereditaments which shall be exchanged in pursuance of this Act: But that the several Lands, Tenements, and Hereditaments, so to be allotted or exchanged as aforesaid, shall, immediately after such Allotment or Exchange, respectively, as aforesaid, be, remain, and enure to the several Persons to whom the same shall be so allotted, or given in Exchange as aforesaid; and such Persons shall, from thenceforth for ever, stand and be seised thereof respectively, to such and the same

Uses,



Uses, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, and no other as he, she, or they, respectively, would have stood seized of his, her, or their several Lands, Tenements, or Hereditaments, liable to be allotted or exchanged as aforesaid, in case the same had remained unclosed, or unexchanged, or this Act had not been made.

**And it is hereby further Enacted,** That it shall and may be lawful to and for the said *Richard Hurd*, and his Successors, Rectors of the said Rectory, by, and with the Consent and Approbation of the said Master, Fellows, and Scholars of *Emanuel College*, to grant any Lease or Leases to any Person or Persons, of the Land to be allotted to him the said *Richard Hurd*, and his Successors, as Rectors as aforesaid, by virtue of this Act, or of any Part or Parts thereof, for any Term or Number of Years, not exceeding Twenty-one Years, so as the same shall commence within Six Months next after the making the said Award or Instrument; and so as the Rent or Rents thereby to be reserved, be made payable to the Rector of the said Rectory for the Time being, and his Successors half yearly, and so as the usual Powers of Re-entry, for Non-payment of such Rent or Rents, and such other necessary Clauses, be inserted therein, as is usual in Cases of the like Nature, any Law, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

**And it is hereby further Enacted,** That it shall, and may be lawful, to and for the Guardians, Husbands, Trustees, or Committees, and for any Persons acting as Guardians, Trustees, or Committees, of or for any Infants, Lunatics, Femmes Covert, or Persons beyond the Seas, and to and for any of the said Owners, being Tenants in Tail, or for Life only, and to and for every of them respectively, to or for whom any Allotment shall be made, in pursuance of this Act, (other than the said Rector in respect to his said Rectory, and such Leaseholders of the said Earl as aforesaid) to charge the Land which shall be so allotted to them respectively, with any Sum or Sums of Money, not exceeding Fifty Shillings an Acre, to be paid to such Person or Persons, as the said Commissioners, or any Two of them, shall nominate and appoint, in order to be applied and disposed of, for the Purpose of paying and defraying the respective Shares and Proportions of the Charges and Expences incident to, and attending the Inclosure of such respective Allotments, and the obtaining, passing, and executing this Act; and for securing the Repayment of such Sum or Sums of Money, with Interest, to Grant, Mortgage, Lease, or Demise the Land so to be charged, as aforesaid, unto such Person or Persons as shall advance such Money respectively, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or, with an express Trust, to be surrendered, when such Sum or Sums of Money, with Interest thereof, shall

be paid; or otherwise, it shall be lawful, at the Request of such Owners or Proprietors as aforesaid, being Tenants in Tail, or for Life only, or any of them, (except the Rector of the said Rectory, and such Leaseholders for Life as aforesaid), for the said Commissioners, or any Two of them, by Writing under their Hands and Seals, to authorize and empower any such Owner or Proprietor, so making such Request, to charge the Lands and Grounds, which, in pursuance of this Act, shall be allotted to such Owner or Proprietor, by his or her last Will and Testament, duly executed according to Law, with such Sum or Sums of Money, not exceeding Fifty Shillings for every Acre so to be allotted, to be paid to such Person or Persons, as such Owner or Proprietor shall, by such his or her last Will and Testament, direct and appoint.

Mortgages  
to be valid.

**And it is hereby further Enacted,** That every such Grant, Mortgage, Lease, or Demise of the said Land and Premises, or any Part or Parts thereof so to be made, in pursuance of this Act, and Charge thereupon, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbonds, Guardians, Trustees, or Committees, or in the Persons acting as such, or in the said Tenants in Tail, or for Life, any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of, or concerning the same Lands and Premises, or any Part or Parts thereof then in being, or capable of taking Effect, to the contrary notwithstanding.

Commissioners  
to give Notice  
of their  
Meetings.

**And it is hereby further Enacted,** That the said Commissioners, or any Two of them, shall, and they are hereby required to give public Notice, in the Church of *Ansby* aforesaid, upon some *Sunday*, immediately after divine Service, and to affix a Notice, in Writing, upon the Door of the said Church, of the Time and Place of their first, and every other Meeting, for executing the Powers hereby vested in them, at least Fourteen Days before every such Meeting (Meetings by Adjournment only excepted). And when, and as often as before the Execution of the said Award or Instrument, any one or more of the said Commissioners appointed by this Act, or to be elected in the Manner herein after mentioned, shall die, or refuse to act, the Persons, who respectively for the Time being shall be interested in the said Fields to be inclosed as aforesaid, or the major Part of them in Number and Value, shall, from Time to Time, within One Calendar Month next after the Death, or Refusal to act, of such Commissioner or Commissioners, by Writing, under their Hands and Seals, appoint one or more Commissioner or Commissioners, not interested in the said intended Inclosure, instead of such Commissioner or Commissioners dying, or refusing to act as aforesaid: And every Commissioner so to be appointed, shall have the like Power and Authority, by virtue of this Act, as the Commissioner or Commissioners, in whose Place or Places he or they shall succeed, was or were vested with;

To choose a  
new Commissioner  
in case  
of any one's  
dying, or re-  
fusing to act.



with; provided that Notice be given in the Church of *Asby* aforesaid, upon some *Sunday*, immediately after Divine Service, and a Notice in Writing be affixed upon the Door of the said Church, of the Time and Place of meeting, to chuse such Commissioner or Commissioners, at least Fourteen Days before every such Meeting.

**Provided always, and it is hereby further Enacted,** That nothing in this Act contained, shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Harry Earl of Stamford*, as Lord of the said Manor, or any future Lord or Lords thereof, in, or to any of the Royalties or Seigniores incident and belonging to the said Manor: But that he, the said Earl, and all and every Person and Persons, claiming under, or in Trust for him, as Lord of the said Manor, and all other succeeding Lords of the said Manor for the Time being, shall and may, at all Times for ever hereafter, hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Goods, and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent Deodands, Waifs, Estrays, and Forfeitures, and all Mines and Quarries of Stone and Coal, and other Minerals, lying, being, or to be found in any of the Shares, or Allotments to be made to the several other Persons, in respect of their several Estates within the said Manor, and all other Royalties, Jurisdictions, Rights, and Pre-eminences whatsoever to the said Manor incident, appendant, belonging, or appertaining, (other than, and except the Right of Soil in such of the present Roads as shall, in virtue of this Act, be allotted to every other Person or Person, and the Right of Common, that can, or may be claimed by the Lord or Lords of the said Manor, upon the Fields hereby intended to be inclosed) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they could have held and enjoyed the same, in case this Act had not been made.

Saving of Right to the Lord of the Manor.

**Saving,** To the KING's Most EXCELLENT *MAYESTY*, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than, and except the said *Harry Earl of Stamford*, the Vicar of the said Vicarage of *Newtown-Linford*, for the Time being, the Master, Fellows, and Scholars of *Emanuel College* for the Time being, the Rector of the said Rectory of *Thurcaston* for the Time being, and the said *Thomas Martin*, *Daniel Glover*, *Thomas Illiffe*, *John Martin*, and all other Persons to whom any Allotment or Allotments, Appointment, or Appointments, shall be made, in pursuance of this Act, his, her, and their Heirs, Successors, Executors, and Administrators, respectively): all such Estate, Right, Title, and Interest, as they, every, or either of them, had, and enjoyed, of, in, to, and out of the said Fields, and the Lands therein, so intended and appointed to be inclosed, as aforesaid, before the passing of this Act,

General Saving to the King, and all others, except, &c.

or could, or ought to have had, or enjoyed, in case the same had not been made. But no such other Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to disturb any of the Allotments or Appointments to be made, in pursuance of this Act, or the several yearly Sums aforesaid, or any of them; but shall accept the several Allotments and Appointments which shall be made, in Lieu of the Land, Common Right, and other Interest, which he, she, or they, would have been intitled to, in case this Act had not been made; and shall be intitled to recover the Land so to be allotted and assigned, in Lieu as aforesaid, and no other, as fully as he, she, or they, would have been intitled to have recovered the Land, Common Right, and other Interest, in Lieu of which such Allotments and Appointments shall be made, as aforesaid.

A N  
A C T  
For Deciding and Inclosing  
the Common and Open Fields  
of Assly, in the County of  
Leicester.

1761.